



SECRETARY OF STATE
BRUCE MCPHERSON
STATE OF CALIFORNIA

NOTICE OF PROPOSED MODIFICATIONS TO PROPOSED REGULATIONS

Pursuant to the requirements of subdivision (c) of Section 11346.8 of the Government Code and Section 44 of Title 1 of the California Code of Regulations, the Secretary of State is providing notice of proposed changes to amend Section 20107 of Chapter 1 of Division 7 of Title 2 of the California Code of Regulations.

If you have any comments regarding the proposed modifications to the regulations, the Secretary of State shall accept written comments from May 12, 2005 to May 26, 2005 at 5:00 p.m. All written comments shall be submitted to the Secretary of State no later than 5:00 p.m. on May 26, 2005 and addressed to: Secretary of State's Office, Elections Division, Attention: Lisa Niegel, Regulation Coordinator, 1500 11th Street, 5th Floor, Sacramento, California 95814. The Secretary of State shall respond to all written comments received on or before 5:00 p.m. on May 26, 2005 that pertain to the indicated modifications.

TEXT OF PROPOSED MODIFICATIONS TO REGULATIONS

The Secretary of State has illustrated the proposed changes to Section 20107 of Chapter 1 of Division 7 of the California Code of Regulations in the following manner: all modifications pertaining to this notice of modification are **highlighted**; deletions from the language in the proposed text are shown in strikeout using "-"; and additions to the language in the proposed text are shown in underlined, bold text.

TEXT OF PROPOSED REGULATIONS

Amend Section 20107 of Article 7 of Chapter 1 of Division 7 of Title 2 of the California Code of Regulations to read:

§20107. Standards for Proof of Residency or Identity When Proof is Required by Help America Vote Act.

(a) This section shall apply in all instances where voters and new registrants are required by the federal Help America Vote Act of 2002 (Pub. L. 107-252, 116 Stat. 1666, 42 U.S.C. 15483) to prove residency or present documents to establish identity.

(b) This section shall be liberally construed to permit voters and new registrants to cast a regular ballot. Any doubt as to the sufficiency of proof or a document presented shall be resolved in favor of permitting the voter or new registrant to cast a regular ballot.

(c) If a voter or new registrant does not present proof or a document that complies with this section, then the voter or new registrant shall be advised by the poll worker or other election official with whom the voter or new registrant is conferring that he or she may vote a provisional ballot and the voter or new registrant shall be permitted to do so.

(d) For purposes of this regulation, proof of residency or identity, shall consist of presenting an original or copy of any of the documents described below in either ~~subdivision~~ paragraph (1) or (2):

(1) ~~a~~ current and valid **photo** ~~photograph~~ identification; ~~For purposes of this subdivision, “photo identification” means a document prepared~~ **provided** by a third party in the ordinary course of business that includes the name and photograph ~~and name~~ of the individual presenting it, ~~including~~ Examples of current and valid photograph **photo** identification include, but are not limited to, the following documents:

- (A) ~~a~~ driver’s license or identification card of any state;
- (B) ~~a~~ passport;
- (C) ~~an~~ employee identification card;
- (D) ~~an~~ identification card provided by a commercial establishment;
- (E) ~~a~~ credit or debit card;
- (F) ~~a~~ military identification card;
- (G) ~~a~~ student identification card;
- (H) ~~a~~ health club identification card; **or**

(I) ~~an~~ insurance plan identification card; **or**

(J) public housing identification card.

(2) ~~a~~Any of the following documents, provided that the document includes the name and address of the individual presenting it, **and is dated since the date of the last general election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including:**

(A) a **valid** utility bill ~~dated within the last three (3) months from the date it is received by the Secretary of State, county elections official or poll worker as proof of residency or identity;~~

(B) a **valid** bank statement ~~dated within the last three (3) months from the date it is received by the Secretary of State, county elections official or poll worker as proof of residency or identity;~~

(C) a **valid** government check ~~dated within the last three (3) months from the date it is received by the Secretary of State, county elections official or poll worker as proof of residency or identity;~~

(D) a **valid** government paycheck ~~dated within the last three (3) months from the date it is received by the Secretary of State, county elections official or poll worker as proof of residency or identity;~~

(E) a **valid** document issued by a governmental agency ~~dated within the last three (3) months from the date it is received by the Secretary of State, county elections official or poll worker as proof of residency or identity;~~

(F) a **valid** sample ballot or other official elections document issued by a governmental agency dated for the election in which the individual is providing it as proof of residency or identity;

(G) a **valid** voter notification card issued by a governmental agency ~~dated for the election in which the individual is providing it as proof of residency or identity;~~

- (H) a current and valid public housing identification card issued by a governmental agency;
- (I) a current and valid lease or rental statement or agreement issued by a governmental agency;
- (J) a current and valid student identification card issued by a governmental agency;
- (K) a valid tuition statement or bill issued by a governmental agency dated within the last twelve (12) months from the date it is received by the Secretary of State, county elections official or poll worker as proof of residency or identity;
- (L) a current and valid insurance plan card or drug discount card issued by a governmental agency;
- (M) current and valid discharge certificates, pardons, or other official documents issued to the ~~voter~~ individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter;
- (N) current and valid public transportation authority senior citizen and disabled discount cards issued by a governmental agency;
- (O) current and valid identification documents issued by governmental disability agencies;
- (P) current and valid identification documents issued by government homeless shelters and other government temporary or transitional facilities;
- (Q) a valid drug prescription issued by a government doctor or other governmental health care provider dated within the last twelve (12) months from the date it is received by the Secretary of State, county elections official or poll worker as proof of residency or identity;
- (R) valid property tax statement issued by a governmental agency dated within the last twelve (12) months from the date it is received by the Secretary of State, county elections official or poll worker as proof of residency or identity;

(S) ~~valid~~ vehicle registration **issued by a governmental agency** ~~dated within the last twelve (12) months from the date it is received by the Secretary of State, county elections official or poll worker as proof of residency or identity;~~ or ~~certificate of ownership issued by a governmental agency.~~

(T) **current and valid** vehicle certificate of ownership issued by a governmental agency.

Note: Authority cited: Section 12172.5, Government Code; and Section 2124, Elections Code.

Reference: Section 14310, Elections Code; Section 303, Pub. L. No. 107-252, 116 Stat. 1666

(2002) [42 U.S.C. 15483].